

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

GINA GALLEGOS,

Plaintiff,

v.

CIV 12-01147 WDS

RIO GRANDE CREDIT UNION,

Defendant.

**ORDER GRANTING *IN FORMA PAUPERIS*
STATUS AND FOR SERVICE**

THIS MATTER is before the Court on *pro se* Plaintiff Gina Gallegos' motion to proceed in forma pauperis under 28 U.S.C. § 1915. *See Doc. 2.* She filed a Civil Rights Complaint pursuant to 42 U.S.C. § 1983 against the Rio Grande Credit Union. She asserts an employment discrimination claim in her complaint. *See Doc. 1.*

The *in forma pauperis* statute authorizes a court to waive filing fees and various court costs for indigents. The intent of the statute is to guarantee that “no citizen shall be denied an opportunity to commence, prosecute, or defend an action, civil or criminal, ‘in any court of the United States’ solely because . . . [lack of funds] makes it impossible . . . to pay or secure the costs [of litigation].” *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 342 (1948).

Plaintiff's financial affidavit indicates that her average monthly expenses significantly exceed her average monthly income, and that she has no other assets to speak of as a source of funds to prosecute this action. Based on these representations, the Court deems Plaintiff to be indigent and grants her *in forma pauperis* status.

While Congress removed barriers to court access for indigents by enacting the *in forma pauperis* statute, it also recognized that ‘a litigant whose filing fees and court costs are assumed by

the public, unlike a paying litigant, lacks an economic incentive to refrain from filing frivolous, malicious, or repetitive lawsuits.” *Neitzke v. Williams*, 490 U.S. 319, 324 (1989); *Denton v. Hernandez*, 504 U.S. 25, 31 (1992) “A claim or appeal is frivolous under § 1915 if it lacks an arguable basis either in law or in fact.” *Jackson v. Enforcer of Constitutional Policy*, 412 F. App’x 181, 183 (10th Cir. 2011) (internal quotations and citation omitted). Under 28 U.S.C. § 1915(e)(2)(B), this Court may *sua sponte* dismiss any action that is frivolous, malicious, fails to state a claim, or seeks damages against a defendant immune from such relief. *See, e.g., Hudson v. Mason*, 445 F. App’x 139, 139-40 (10th Cir. 2011); *Garey v. Marshall*, 361 F. App’x 915, 817 (10th Cir. 2010). The Court finds that Plaintiff’s complaint passes this threshold, though this finding in no way implies that the case is meritorious. Wherefore,

IT IS HEREBY ORDERED that Plaintiff’s motion to proceed in forma pauperis (*Doc. 2*) is **granted**.

IT IS FURTHER ORDERED that Clerk is directed to issue notice and waiver of service forms, with copy of the complaint, to defendant.



W. Daniel Schneider
UNITED STATES MAGISTRATE JUDGE